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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,749	10/22/2001	Noboru Asauchi	Q66728	8429
7590 12/28/2006 SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			EXAMINER WU, RUTAO	
			ART UNIT	PAPER NUMBER
			3628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/982,749	ASAUCHI ET AL.	
	Examiner	Art Unit	
	Rob Wu	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-8, 12-17 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29 and 33 is/are allowed.
- 6) ☒ Claim(s) 3-8, 12-17, 21-28 and 30-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/19/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. In response filed October 19, 2006, the applicant amended claims 3, 5, 6, 12, 14, and 15. No new claims have been introduced. Claims 3-8, 12-17, 21-33 are pending in the application.

Response to Arguments

2. Applicant's arguments with respect to 35 U.S.C. § 102(e) rejection of claims 3-5 and 12-14 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments filed October 19, 2006 with respect to the 35 U.S.C. §103(a) rejection of claims 6-8, 15-17, 21-28, and 30-32 have been fully considered but they are not persuasive.

Applicant argues that Cohen (U.S. Pat No. 5,657,678) teaches away from the feature of basing the price of a new expendable on the return of an expendable already possessed by the user because Cohen is designed to enable the consumer to replenish and recycle a used cartridge without returning the cartridge to the supplier. The Examiner respectfully disagrees.

Cohen states in his Background that "many, if not most, users of such cartridges recycle their cartridges in order to reduce expenses; a recycled cartridge may cost only one half or less the price of a new cartridge. However, the used cartridge must still be send out to another facility, or back to the manufacture, for recycling" (col 1: lines 42-47)

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As the result, Cohen envisioned a tool that enables the user of toner cartridges to replenish and recycle such cartridges at the user or consumer level, to avoid the hassle and cost of sending in the depleted cartridge to the manufacture to recycle and Cohen's invention is trying to improve on the recycling process as he states that "discarding of the cartridge and accompanying hardware when the toner is depleted, is quite costly and wasteful." (col 1: lines 30-31) While Cohen's invention does not necessarily suggest returning the depleted cartridge to the supplier, but Cohen's disclosure makes it obvious at the time of Cohen's invention that it is well known that users can reduce cost of a new toner cartridge by sending in the depleted cartridge back to the manufacture for recycling, thereby providing sufficient motivation to combine with Hayward et al to teach different price points of toner cartridge based on whether the depleted cartridge is send back to the supplier or not.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 6,798,997 to Hayward et al.

Referring to claim 3:

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A method for determining a price at which a new expendable is to be supplied, the price being determined by a computer in response to a user inquiry, the method comprising the steps of:

(a) receiving the inquiry including expendable-related information by the computer, the expendable-related information being indicative of a model of an expendable container possessed by the user and including information indicative of a remaining amount of expendable remaining in the expendable container;

Hayward et al disclose that the purchase order screen is filled with part number to be order based on the peripheral indicia and condition. (col 7: lines 60-65) Hayward et al also disclose that the condition maybe used to indicate when a consumable has been exhausted or a consumable has reach a predetermined threshold (e.g., magenta ink level low). (col 8: lines 26-39) Therefore, it is obvious that information indicative of a remaining amount of expendable remaining in the expendable container is part of the information being sent to the purchase order screen as disclosed by Hayward et al. The information indicative of a remaining amount of expendable remaining in the expendable container is that the amount of consumable left in the expendable container is low.

and

(b) Hayward discloses that users see an order screen and choose methods of payment etc... (col 7: line 63-col 8: line 3) however, Hayward does not expressly disclose determining the price by the computer based on the model and the remaining amount of expendable included in the expendable-related information,

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However, it is obvious by the disclosure by Hayward et al that the price is determined by the model and the remaining amount of expendable, since the replacing order is placed once a condition has been met, such as when a consumable has been exhausted or a consumable has reached a predetermined threshold (e.g. magenta ink level low) (col 8: lines 26-39) Therefore the price is determined based on the fact that the amount of ink left in the expendable container is low and needs to be replaced with a new ink cartridge.

Referring to claim 4:

The method in accordance with claim 3 wherein the expendable-related information includes information indicative of a type of expendable remaining in the expendable container. (col 8: lines 26-30)

Referring to claim 5:

A method for determining a price at which a new expendable is to be supplied, the price being determined by a computer in response to a user inquiry, the method comprising the steps of:

(a) receiving the inquiry including expendable-related information by the computer, the expendable-related information being indicative of a model of an expendable container possessed by the user and including information indicative of a remaining amount of expendable remaining in the expendable container;

Hayward et al disclose that the purchase order screen is filled with part number to be order based on the peripheral indicia and condition. (col 7: lines 60-65) Hayward et al also disclose that the condition maybe used to indicate when a consumable has

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been exhausted or a consumable has reach a predetermined threshold (e.g., magenta ink level low). (col 8: lines 26-39) Therefore, it is obvious that information indicative of a remaining amount of expendable remaining in the expendable container is part of the information being sent to the purchase order screen as disclosed by Hayward et al. The information indicative of a remaining amount of expendable remaining in the expendable container is that the amount of consumable left in the expendable container is low.

and

(b) Hayward discloses that users see an order screen and choose methods of payment etc... (col 7: line 63-col 8: line 3) however, Hayward does not expressly disclose determining the price by the computer based on the model and the remaining amount of expendable included in the expendable-related information,

However, it is obvious by the disclosure by Hayward et al that the price is determined by the model and the remaining amount of expendable, since the replacing order is placed once a condition has been met, such as when a consumable has been exhausted or a consumable has reached a predetermined threshold (e.g. magenta ink level low).(col 8: lines 26-39) Therefore the price is determined based on the fact that the amount of ink left in the expendable container is low and needs to be replaced with a new ink cartridge.

the expendable container possessed by the user comprises a memory for storing the expendable-related information, and (col 4: lines 35-40)

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the expendable-related information is to be read out from the memory.(col 7: line 58, 65)

Referring to claim 12:

An expendable supply device for supplying a new expendable in response to a user request, the device comprising:

Hayward discloses that users see an order screen and choose methods of payment etc... (col 7: line 63-col 8: line 3) however, Hayward does not expressly disclose determining the price by the computer based on the expendable-related information,

The Examiner asserts that it is inherent that the price of the expendable is determined otherwise users would not be entering their payment information for purchasing of the expendable.

An expendable container mount configured to mount an expendable container possessed by the user; (col 8: lines 26-29)

A request receiver configured to receive the user request; and (col 8: lines 46-48)

An expendable supplier configured to supply the new expendable in response to the request; (col 8: lines 46-53)

Wherein the price determiner is further capable of:

receiving the inquiry including expendable-related information by the computer, the expendable-related information being indicative of a model of an expendable container possessed by the user and including information indicative of a remaining amount of expendable remaining in the expendable container;

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Hayward et al disclose that the purchase order screen is filled with part number to be order based on the peripheral indicia and condition. (col 7: lines 60-65) Hayward et al also disclose that the condition maybe used to indicate when a consumable has been exhausted or a consumable has reach a predetermined threshold (e.g., magenta ink level low). (col 8: lines 26-39) Therefore, it is obvious that information indicative of a remaining amount of expendable remaining in the expendable container is part of the information being sent to the purchase order screen as disclosed by Hayward et al. The information indicative of a remaining amount of expendable remaining in the expendable container is that the amount of consumable left in the expendable container is low.

and

Hayward discloses that users see an order screen and choose methods of payment etc... (col 7: line 63-col 8: line 3) however, Hayward does not expressly disclose determining the price by the computer based on the model and the remaining amount of expendable included in the expendable-related information,

However, it is obvious by the disclosure by Hayward et al that the price is determined by the model and the remaining amount of expendable, since the replacing order is placed once a condition has been met, such as when a consumable has been exhausted or a consumable has reached a predetermined threshold (e.g. magenta ink level low) (col 8: lines 26-39) Therefore the price is determined based on the fact that the amount of ink left in the expendable container is low and needs to be replaced with a new ink cartridge.

Wherein

The expendable-related information includes information indicative of a remaining amount of expendable remaining in the expendable container. (col 8: lines 26-29)

Referring to claim 13:

The device in accordance with claim 12 wherein

The expendable-related information includes information indicative of a type of expendable remaining in the expendable container. (col 8: lines 26-30)

Referring to claim 14:

An expendable supply device for supplying a new expendable in response to a user request, the device comprising:

Hayward discloses that users see an order screen and choose methods of payment etc... (col 7: line 63-col 8: line 3) however, Hayward does not expressly disclose determining the price by the computer based on the expendable-related information,

The Examiner asserts that it is inherent that the price of the expendable is determined otherwise users would not be entering their payment information for purchasing of the expendable.

An expendable container mount configured to mount an expendable container possessed by the user; (col 8: lines 26-29)

A request receiver configured to receive the user request; and (col 8: lines 46-48)

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An expendable supplier configured to supply the new expendable in response to the request; (col 8: lines 46-53)

Wherein the price determiner is further capable of:

(a) receiving the inquiry including expendable-related information by the computer, the expendable-related information being indicative of a model of an expendable container possessed by the user and including information indicative of a remaining amount of expendable remaining in the expendable container;

Hayward et al disclose that the purchase order screen is filled with part number to be order based on the peripheral indicia and condition. (col 7: lines 60-65) Hayward et al also disclose that the condition maybe used to indicate when a consumable has been exhausted or a consumable has reach a predetermined threshold (e.g., magenta ink level low). (col 8: lines 26-39) Therefore, it is obvious that information indicative of a remaining amount of expendable remaining in the expendable container is part of the information being sent to the purchase order screen as disclosed by Hayward et al. The information indicative of a remaining amount of expendable remaining in the expendable container is that the amount of consumable left in the expendable container is low.

and

(b) Hayward discloses that users see an order screen and choose methods of payment etc... (col 7: line 63-col 8: line 3) however, Hayward does not expressly disclose determining the price by the computer based on the model and the remaining amount of expendable included in the expendable-related information,

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However, it is obvious by the disclosure by Hayward et al that the price is determined by the model and the remaining amount of expendable, since the replacing order is placed once a condition has been met, such as when a consumable has been exhausted or a consumable has reached a predetermined threshold (e.g. magenta ink level low) (col 8: lines 26-39) Therefore the price is determined based on the fact that the amount of ink left in the expendable container is low and needs to be replaced with a new ink cartridge.

Wherein

The expendable container possessed by the user comprises a memory for storing the expendable-related information, and (col 4: lines 35-40)

The expendable-related information is to be read out from the memory of the device. (col 7: line 58, 65)

6. Claims 6-8, 15-17, 21-28, 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 6,798,997 to Hayward et al in view of U.S. Pat No. 5,657,678 to Cohen.

Referring to claim 6:

A method for determining a price at which a new expendable is to be supplied, the price being determined by a computer in response to a user inquiry, the method comprising the steps of:

(a) receiving the inquiry including expendable-related information by the computer, the expendable-related information being indicative of a model of an

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expendable container possessed by the user and including information indicative of a remaining amount of expendable remaining in the expendable container;

Hayward et al disclose that the purchase order screen is filled with part number to be order based on the peripheral indicia and condition. (col 7: lines 60-65) Hayward et al also disclose that the condition maybe used to indicate when a consumable has been exhausted or a consumable has reach a predetermined threshold (e.g., magenta ink level low). (col 8: lines 26-39) Therefore, it is obvious that information indicative of a remaining amount of expendable remaining in the expendable container is part of the information being sent to the purchase order screen as disclosed by Hayward et al. The information indicative of a remaining amount of expendable remaining in the expendable container is that the amount of consumable left in the expendable container is low.

and

(b) Hayward discloses that users see an order screen and choose methods of payment etc... (col 7: line 63-col 8: line 3) however, Hayward does not expressly disclose determining the price by the computer based on the model and the remaining amount of expendable included in the expendable-related information,

However, it is obvious by the disclosure by Hayward et al that the price is determined by the model and the remaining amount of expendable, since the replacing order is placed once a condition has been met, such as when a consumable has been exhausted or a consumable has reached a predetermined threshold (e.g. magenta ink level low) (col 8: lines 26-39) Therefore the price is determined based on the fact that

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the amount of ink left in the expendable container is low and needs to be replaced with a new ink cartridge.

Wherein

Hayward does not expressly disclose providing the price based on user returning the expendable container.

Cohen discloses that a recycled cartridge may cost only one half or less the price of a new cartridge and the used cartridge must be sent out to another facility, or back to the manufacture, for recycling. (col 1: lines 45-46)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hayward's invention to provide a discount to the users returning the used cartridge. Cohen provides the motivation of reducing cost and wastefulness. (col 1: line 31)

Referring to claim 7:

Hayward discloses providing prices for ink cartridges. Hayward does not expressly disclose providing a first price based on the user returning the used cartridge to the supplier and a second price based on the user not returning the used cartridge based on the supplier.

Cohen discloses a price difference between a cartridge with recycling and a cartridge without recycling. (col 1: line 44)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Hayward to offer ink cartridges at a first and second

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price based on whether the user is returning the used cartridge. Cohen provides the motivation of reducing cost and wastefulness. (col 1: line 31)

Referring to claim 8:

Hayward does not expressly disclose providing the user with options of the first type price and the second type price.

Cohen discloses a first type price and a second type price. (col 1: line 44)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Hayward to offer ink cartridges at a first and second price based on whether the user is returning the used cartridge. Cohen provides the motivation of reducing cost and wastefulness. (col 1: line 31)

Referring to claim 15:

An expendable supply device for supplying a new expendable in response to a user request, the device comprising:

Hayward discloses that users see an order screen and choose methods of payment etc... (col 7: line 63-col 8: line 3) however, Hayward does not expressly disclose determining the price by the computer based on the expendable-related information,

The Examiner asserts that it is inherent that the price of the expendable is determined otherwise users would not be entering their payment information for purchasing of the expendable.

An expendable container mount configured to mount an expendable container possessed by the user; (col 8: lines 26-29)

A request receiver configured to receive the user request; and (col 8: lines 46-48)

An expendable supplier configured to supply the new expendable in response to the request; (col 8: lines 46-53)

Wherein the price determiner is further capable of:

receiving the inquiry including expendable-related information by the computer, the expendable-related information being indicative of a model of an expendable container possessed by the user and including information indicative of a remaining amount of expendable remaining in the expendable container;

Hayward et al disclose that the purchase order screen is filled with part number to be order based on the peripheral indicia and condition. (col 7: lines 60-65) Hayward et al also disclose that the condition maybe used to indicate when a consumable has been exhausted or a consumable has reach a predetermined threshold (e.g., magenta ink level low). (col 8: lines 26-39) Therefore, it is obvious that information indicative of a remaining amount of expendable remaining in the expendable container is part of the information being sent to the purchase order screen as disclosed by Hayward et al. The information indicative of a remaining amount of expendable remaining in the expendable container is that the amount of consumable left in the expendable container is low.

and

Hayward discloses that users see an order screen and choose methods of payment etc... (col 7: line 63-col 8: line 3) however, Hayward does not expressly

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disclose determining the price by the computer based on the model and the remaining amount of expendable included in the expendable-related information,

However, it is obvious by the disclosure by Hayward et al that the price is determined by the model and the remaining amount of expendable, since the replacing order is placed once a condition has been met, such as when a consumable has been exhausted or a consumable has reached a predetermined threshold (e.g. magenta ink level low) (col 8: lines 26-39) Therefore the price is determined based on the fact that the amount of ink left in the expendable container is low and needs to be replaced with a new ink cartridge.

Wherein

Hayward does not expressly disclose providing the price based on user returning the expendable container.

Cohen discloses that a recycled cartridge may cost only one half or less the price of a new cartridge and the used cartridge must be sent out to another facility, or back to the manufacture, for recycling. (col 1: lines 45-46)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hayward's invention to provide a discount to the users returning the used cartridge. Cohen provides the motivation of reducing cost and wastefulness. (col 1: line 31)

Referring to claim 16:

Hayward discloses providing prices for ink cartridges. Hayward does not expressly disclose providing a first price based on the user returning the used cartridge

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to the supplier and a second price based on the user not returning the used cartridge based on the supplier.

Cohen discloses a price difference between a cartridge with recycling and a cartridge without recycling. (col 1: line 44)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Hayward to offer ink cartridges at a first and second price based on whether the user is returning the used cartridge. Cohen provides the motivation of reducing cost and wastefulness. (col 1: line 31)

Referring to claim 17:

Hayward does not expressly disclose providing the user with options of the first type price and the second type price.

Cohen discloses a first type price and a second type price. (col 1: line 44)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Hayward to offer ink cartridges at a first and second price based on whether the user is returning the used cartridge. Cohen provides the motivation of reducing cost and wastefulness. (col 1: line 31)

Referring to claim 21:

A computer program product for causing a computer to determine a price at which a new expendable to be supplied in response to a user inquiry, the computer program product comprising:

A computer readable medium; and (col 4: lines 10-19)

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A computer program stored on the computer readable medium, the computer program comprising:

A first program for causing the computer to receive the inquiry including expendable-related information by the computer, the expendable-related information being indicative of a model of an expendable container possessed by the user. (col 7: lines 60-65)

Hayward discloses that users see an order screen and choose methods of payment etc... (col 7: line 63-col 8: line 3) however, Hayward does not expressly disclose determining the price by the computer program based on the expendable-related information,

The Examiner asserts that it is inherent that the price of the expendable is determined otherwise users would not be entering their payment information for purchasing of the expendable.

A third program for causing the computer to display the price to the user. (col 7: lines 63-65)

Wherein

Hayward discloses providing prices for ink cartridges. Hayward does not expressly disclose providing a first price based on the user returning the used cartridge to the supplier and a second price based on the user not returning the used cartridge based on the supplier.

Cohen discloses a price difference between a cartridge with recycling and a cartridge without recycling. (col 1: line 44)

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Hayward to offer ink cartridges at a first and second price based on whether the user is returning the used cartridge. Cohen provides the motivation of reducing cost and wastefulness. (col 1: line 31)

Referring to claim 22:

Hayward does not expressly disclose providing the user with options of the first type price and the second type price.

Cohen discloses a first type price and a second type price. (col 1: line 44)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Hayward to offer ink cartridges at a first and second price based on whether the user is returning the used cartridge. Cohen provides the motivation of reducing cost and wastefulness. (col 1: line 31)

Referring to claim 23:

A method for supplying a new expendable by a computer, the new expendable being packaged in a new expendable container, the method comprising the steps of:

(a) accepting an inquiry regarding supply of the new expendable, the inquiry including expendable-related information indicative of a model of an expendable container possessed by a user. (col 7: lines 60-65)

(b) Hayward discloses providing prices for ink cartridges. Hayward does not expressly disclose providing a first price based on the user returning the used cartridge to the supplier

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Cohen discloses a price difference between a cartridge with recycling and a cartridge without recycling. (col 1: line 44)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Hayward to offer ink cartridges at a first and second price based on whether the user is returning the used cartridge. Cohen provides the motivation of reducing cost and wastefulness. (col 1: line 31)

(c) displaying the first type price to the user; (col 7: lines 63-65)

(d) accepting a first type order from the user, the first type order generating a charge amount at the first type price on condition that the expendable container possessed by the user is returned; and (col 8: lines 46-48)

(e) supplying the new expendable in exchange for the expendable container possessed by the user in response to the first type order. (col 9: lines 56-57)

Referring to claim 24:

Hayward discloses

The method in accordance with claim 23 wherein

The expendable container comprises a memory for storing the expendable-related information, and (col 4: lines 35-40)

The expendable-related information is to be read out from the memory. (col 7: line 58, 65)

Referring to claim 25:

The method in accordance with claim 23 wherein

The step (b) includes the steps of:

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Hayward discloses providing prices for ink cartridges. Hayward does not expressly disclose providing a second price based on the user not returning the used cartridge based on the supplier.

Cohen discloses a price difference between a cartridge with recycling and a cartridge without recycling. (col 1: line 44)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Hayward to offer ink cartridges at a first and second price based on whether the user is returning the used cartridge. Cohen provides the motivation of reducing cost and wastefulness. (col 1: line 31)

The step (d) includes a step of accepting the first type order if the first price has been determined, while accepting the second type order if the second price has been determined, the second type order generating a charge amount at the second type price in response to the price determination; and (col 8: lines 46-48)

Step (e) includes a step of supplying the new expendable in response to the second order. (col 9: lines 56-57)

Referring to claim 26:

The method in accordance with claim 25 wherein

Hayward does not expressly disclose providing the user with options of the first type price and the second type price.

Cohen discloses a first type price and a second type price. (col 1: line 44)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Hayward to offer ink cartridges at a first and second

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price based on whether the user is returning the used cartridge. Cohen provides the motivation of reducing cost and wastefulness. (col 1: line 31)

The step (d) further includes a step of accepting the first type order if the first price has been selected, while accepting the second type order if the second price has been selected, in response to a selection of the options. (col 8: lines 46-48)

Referring to claim 27:

The method in accordance with claim 23 wherein

Hayward discloses the expendable-related information further includes information indicative of a remaining amount of expendable remaining in the expendable container. (col 8: lines 26-29)

Referring to claim 28:

The method in accordance with claim 27 wherein

Hayward discloses the step (c) further includes a step of displaying an expendable supply menu for supplying expendable if the remaining amount falls below a predetermined value. (col 7: lines 60-65)

Referring to claim 30:

A computer program product for causing a computer to accept an order for a new expendable, the new expendable being package in a new expendable container, the computer program product comprising:

A computer readable medium; and (col 4: lines 10-19)

A computer program stored on the computer readable medium, the computer program comprising:

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A first program for causing the computer to accept an inquiry regarding supply of the new expendable, the inquiry including expendable-related information indicative of a model of an expendable container possessed by the user. (col 7: lines 60-65)

Hayward discloses that users see an order screen and choose methods of payment etc... (col 7: line 63-col 8: line 3) however, Hayward does not expressly disclose determining the price by the computer program based on the expendable-related information,

The Examiner asserts that it is inherent that the price of the expendable is determined otherwise users would not be entering their payment information for purchasing of the expendable.

A third program for causing the computer to control a display of the price to the user. (col 7: lines 63-65) and

A forth program for causing the computer to accept the order from the user; (col 8: lines 58-60)

Wherein

Hayward discloses providing prices for ink cartridges. Hayward does not expressly disclose providing a price based on the user returning the used cartridge to the supplier.

Cohen discloses a price difference between a cartridge with recycling and a cartridge without recycling. (col 1: line 44)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Hayward to offer ink cartridges at a first and second

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price based on whether the user is returning the used cartridge. Cohen provides the motivation of reducing cost and wastefulness. (col 1: line 31)

Referring to claim 31:

Hayward discloses

The computer program product in accordance with claim 30 wherein

The expendable-related information further includes information indicative of a remaining amount of expendable remaining in the expendable container. (col 8: lines 26-29)

Referring to claim 32:

Hayward discloses

The computer program product in accordance with claim 31 wherein

The third program further comprises a program for causing the computer to display an expendable supply menu for supplying expendable is the remaining amount falls below a predetermined value. (col 7: lines 58-65)

Allowable Subject Matter

7. Claims 29 and 33 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Wu whose telephone number is (571)272-3136.

The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rw


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER